IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:13-CR-329-FL-1

UNITED STATES OF AMERICA,)	
)	
)	
v.)	
)	ORDER
BRIAN KEITH BERRY,)	
)	
Defendant.)	

This matter is before the court upon mandate from the United States Court of Appeals for the Fourth Circuit, vacating this court's December 15, 2014, amended judgment, and remanding for recalculation of defendant's sentencing range. Where defendant has been released from custody, upon consent of the parties, the court dispenses with a resentencing hearing. In conjunction with this order, the court enters an amended judgment for time served, along with a statement of reasons specifying that defendant is subject to a guideline range of 24 to 30 months imprisonment, with supervised release remaining at five years, based upon a Tier I sex offender classification, in accordance with the Fourth Circuit's February 19, 2016, opinion in this matter.

SO ORDERED, this the 28th day of April, 2016.

How W. Lloragan LOUISE W. FLANAGAN United States District Judge